

The House Natural Resources Committee convened at 7:30 p.m. in room 20 of the Capital Annex on February 19, 1979, with Chairman Shelden presiding and seventeen members present (Rep. Quilici, excused, and Rep. Scully, absent). Chairman Shelden opened the meeting to a hearing on the following bills:

HOUSE JOINT RESOLUTION 36

REPRESENTATIVE DENNIS NATHE, District No. 1, the chief sponsor, said this resolution was to try to find funding to extend the barge line from Yankton to Billings. He said in the whole Pacific Northwest there is no competitive form of transportation outside the rail system. He said the barge line at Lewistown, Idaho, held to a charge of 80¢ a bushel where it costs farmers in his district every third bushel of wheat to ship it. He felt there wouldn't be much dredging needed and no need for locks--have tracks winch up and down--so it wouldn't be that complicated. He said his aim is to hold down freight rates by getting some competition.

During questions Rep. McBride asked how much development this would take as it could have an effect on the river itself, and how much will it cost. Rep. Nathe said they would need 15 to 18 feet depth and he didn't know exactly how much dredging this would mean. He said the Corps of Engineers would know. Rep. Kessler asked how this would effect the scenic river designation. Rep. Fagg questioned where the mud goes when they dredge.

HOUSE BILL 742

Rep. Harper assumed the chair as Chairman Shelden is the chief sponsor of this bill.

REP. ARTHUR SHELLEN, District 22, said this bill is a simple bill that clarifies the authority of state agencies, boards and commissions to use information gained in preparing environmental impact statements to implement the policies and goals of the Montana Environmental Policy Act. He said this makes it crystal clear that they should take a look at their environmental impact statements.

REP. JOHNSTON said he supported the bill.

JOY BRUCK, League of Women Voters, left testimony in support and a copy is exhibit 1 of the minutes.

Chairman Shelden resumed the chair and opened the meeting to an executive session on the following bills:

EXECUTIVE SESSION

Rep. Curtiss left to attend another meeting but left proxy votes with the Chairman.

HOUSE BILL 742

Rep. Fagg moved do pass. Motion carried. Rep. Curtiss voted no and Peps. Scully and Quilici were absent.

HOUSE JOINT RESOLUTION 45 Rep. Cooney moved do pass. The motion carried unanimously with those present (same absent).

HOUSE JOINT RESOLUTION 36 Rep. Huennekens moved do pass. He suggested an amendment to have the line go to Fort Peck instead of Fort Benton. This suggestion carried unanimously with those present. It was agreed if the bill passed this amendment would be added on the floor. Mr. Gordon McGowan, Montana Railroad Association, was asked for some information. He said the amount of money it would take to get the barge in operation is the amount of money it would take to keep the Milwaukee Railroad operating. He said if we really wanted to do something worthwhile perhaps we could give an honorary degree to the people employed on the Milwaukee--make them honorary skippers. He said if we can get something to move grain with he couldn't object.

Rep. Huennekens motion of do pass carried with 9 yes, 8 no (Bertelsen, Cooney, Fagg, Harper, Keedy, McBride, Metcalf, Shelden) and the same absent.

HOUSE JOINT RESOLUTION 30 Rep. Cooney moved do pass. Rep. Keedy moved a substitute motion of do not pass. A roll call vote was taken and the motion of do not pass carried with 10 for and 8 opposed (Cooney, Harper, Huennekens, Kessler, McBride, Metcalf, Quilici [left a proxy vote]), and Rep. Scully, absent.

HOUSE BILL 823 Rep. Fagg discussed and proposed amendments which are exhibit 2 of the minutes. He then moved the bill do pass and the amendments outlined be added on the floor. This motion carried with 14 yes, 4 no (Bertelsen, Burnett, Cooney, Curtiss and 1 absent (Scully)). Reps. Curtiss and Quilici had left proxy votes on this bill.

HOUSE BILL 759 The suggested amendments (exhibit 3) were discussed. Rep. Iverson commented that it is the same principle as a reclamation bond and he didn't see what the difference was. Rep. Bertelsen moved the approval of these amendments and then add them on the floor because of lack of time. This motion carried unanimously with those present. Rep. Cooney moved the bill do pass and this motion carried with Rep. Thoft voting no and Rep. Scully absent. Proxy votes were left by Reps. Curtiss and Quilici.

HOUSE BILL 785 Rep. Fagg moved do pass. The motion carried unanimously with those present. It was mentioned this bill would need a statement of intent and Debbie Schmidt was requested to write it and a copy of it is exhibit 4.

HOUSE BILL 2 Rep. Keedy moved do pass. Rep. Huennekens suggested some amendments (exhibit 5) and the committee agreed to accept them (Reps. Natche, Iverson, Burnett voted no).

Rep. Huennekens then moved on page 6, line 5, to strike the "11" and insert "7." Sanna Porte was asked for information and said this was at the request of some of the grocers--who would be waiting for the distributors to come back and reimburse them. The motion to agree on this amendment passed unanimously with the committee. These amendments will be added on the floor. A statement of intent will also be prepared and added to the bill, exhibit 6. A roll call vote was taken on the motion of do pass and the motion carried with 11 voting yes and 7 no (Burnett, Iverson, Johnston, Spilker, Nathe, Quilici, Curtiss) and absent was Scully. Reps. Quilici and Curtiss left proxy votes.

HOUSE BILL 329 Rep. Harper moved do pass. The motion carried unanimously with those present (same proxy votes and same absent).

HOUSE BILL 816 Rep. Fagg moved do pass and the motion carried with 11 voting for and 6 opposed (Burnett, Curtiss, Iverson, Johnston, Spilker, Thoft); absent Reps. Scully and Quilici (no vote left on this bill); Rep. Curtiss left a proxy vote.

HOUSE BILL 444 Rep. Fagg moved do not pass. He said he was convinced uranium can't be added to the Hard Rock Act and there isn't time to write a bill on just uranium, so better to leave it in this bill. Rep. McBride made a substitute motion to table. It was discussed that in fairness to the sponsor the bill shouldn't be held in committee. A roll call vote was taken on the motion of tabling. It failed with 7 yes (Bertelsen, Cooney, Huennekens, Keedy, Kessler, McBride, Metcalf); 9 no and 3 absent (Burnett, Quilici, Scully); Rep. Curtiss voted by proxy vote. The committee then voted on the original motion of do not pass and this motion carried with 13 yes, 3 no (Curtiss, Johnston, Spilker), and 3 absent (Burnett, Quilici, Scully), Rep. Curtiss voted by proxy vote.

HOUSE BILL 816 Rep. Fagg moved do pass. A roll call vote was taken and the motion carried with 11 yes, 6 no (Burnett, Curtiss, Iverson, Johnston, Spilker, Thoft) and 2 absent (Quilici and Scully). Rep. Curtiss voted by proxy vote.

HOUSE BILL 684 Rep. Nathe moved do pass. Rep. McBride said she wouldn't have as much objection if the original definition was left. Rep. Fagg said there is an effort in every legislature to make big miners into small miners--trying to escape having to comply. He felt the bill wasn't constitutional and there would be legal challenges. He felt a bigger favor for the little miner would be to not pass the bill. Rep. Thoft felt the roads ought to be reclaimed. Rep. Kessler wondered how much of a road a small miner would need. Rep. Fagg made a substitute motion of do not pass. This motion carried with 9 voting yes and 7 no (Bertelsen, Curtiss, Iverson, Johnston, Spilker, Nathe, Thoft) and 2 absent (Quilici and Scully). Rep. Curtiss had left her vote.

HOUSE BILL 280 Rep. Harper moved to lay it on the table. This motion carried unanimously with those present (Quilici and Scully absent).

HOUSE BILL 829 Rep. Harper moved to table the bill. Rep. Cooney asked that the gentleman from the Attorney General's Office be permitted to speak and also Ted Doney.

ALLEN CHRONISTER, Attorney General's Office, said provisions of this bill brings the Attorney General's Office into the hearing process at the point where the Department of Natural Resources finishes the EIS to allow the DNR to drop out of the hearing process and become advisory to the Board of Natural Resources. The Attorney General is then to determine what the public interest is and to develop a case, define it and go for it in the hearing. He said they oppose the provision for a number of reasons. He said he had not seen the compromise bill but they had been told these provisions had been carried over. A copy of their suggested amendments is exhibit 7 of the minutes.

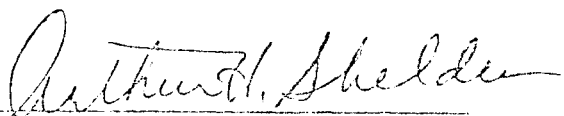
TED DONEY, Department of Natural Resources, said he was at the meeting where this compromise was reached. He said the cooperatives reserved the right to take it out of the bill in the Senate. They allowed it to be in the bill to get it over to the Senate.

The motion to table carried unanimously with those present.

HOUSE BILL 833, the Compromise Committee Bill, had not yet been printed. Rep. Spilker said she was not going on record as voting for a bill she has not seen. Rep. Fagg moved we pass out this bill with no recommendation. This motion carried with Rep. Kessler abstaining, Rep. Nathe voting no and absent were Reps. Curtiss, Scully and Quilici.

Meeting adjourned at 9:30 p.m.

Respectfully submitted,


ARTHUR H. SHELDEN, Chairman

Emilia A. Satre, Sec.